

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, February 8, 2008  
Saturday, February 9, 2008  
Best Western Inn Suites  
1450 Castle Dome Avenue  
Yuma, Arizona 85365

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean  
Commissioner Robert D. Hernbrode  
Commissioner Jennifer L. Martin  
Commissioner Robert R. Woodhouse

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Chairman McLean called the meeting to order at 10:00 a.m. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff. Commissioner Golightly was not present. This meeting followed an agenda revision #2 dated February 6, 2008.

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#### 1. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous  
4 to 0  
Golightly absent

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#### 1A. Appointments of Commissioners to Standing Committees

**Presenter:** Duane L. Shroufe, Director

Commissioner Martin requested that the Commission establish a new Conservationist Committee, with objectives similar to the Landowner-Lessee/Sportsman's Relations Committee, except its purpose would be to bridge the gap between the environmental community and the sporting public. The word "conservation" is used by both the sportsmen and the environmental community to describe their activities. Divisive issues would be set aside and the focus would be on commonly shared interest such as pursuing conservation easement strategies, ranch clean-ups, political advocacy for land use planning, and other matters that can be worked on cooperatively.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE FORMATION OF A NEW COMMITTEE CALLED THE CONSERVATIONIST COMMITTEE.

**Vote:** Unanimous  
4 to 0  
Golightly absent

Chairman McLean appointed individual Commissioners to chair the following standing committees through January 2009:

- Conservationists Committee – Commissioner Martin
- Heritage Public Advisory Committee – Commissioner Hernbrode
- Habitat Partnership Committee – Chairman McLean
- Landowner-Lessee/Sportsman's Relations Committee – Commissioner Martin
- Wildlife Assets Committee – Commissioner Woodhouse

Chairman McLean noted that Commissioner Martin is chairing two committees, but this will be re-addressed when the newly appointed Commissioner comes on board.

Director Shroufe stated that the Department will work with Commissioner Martin to develop a charter for the Conservationist Committee and will bring that back to the Commission for approval at the March Commission meeting.

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Meeting recessed for lunch at 10:38 a.m.

Meeting reconvened at 1:30 p.m.

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Chairman McLean re-opened this meeting and lead those present through the Pledge of Allegiance, followed by introductions of the Commission and the Director and Director's staff.

There were no awards or commissioning of officers.

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## 2. Hiring a New Director for the Arizona Game and Fish Department

**Presenter:** Shelley Cutts, Assistant Attorney General

There was no need for discussion of this item.

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## 3. Request by Mr. James A. Gerrettie for a Hearing to Reinstate His Bonus Points for Elk from the Fall 2007 Draw

**Presenter:** Harry Seck, Assistant Director, Special Services Division

James A. Gerrettie requested a hearing before the Arizona Game and Fish Commission to reinstate his bonus points earned for elk prior to his successful drawing for the fall 2007 hunting season. Mr. Gerrettie successfully drew a tag in 2007 for hunt 3031 (Unit 27, Bull Elk, November 23-29, 2007). According to the Statement of Facts provided by Mr. Gerrettie, in mid-September 2007 he was diagnosed with colon cancer and required major surgery on September 26, 2007. As a result of the surgery and the side effects of chemotherapy, Mr. Gerrettie states he was unable to go on the elk hunt he had drawn. Mr. Gerrettie's proposed remedy is the reinstatement of his bonus points.

Mr. Gerrettie was not present.

Commissioner Martin stated that while she is sensitive to Mr. Gerrettie's situation, there have been a number of similar situations in the past for other tag holders and it has been the Commission's position to deny requests for reinstatement bonus points.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY MR. GERRETTIE'S REQUEST FOR REINSTATEMENT OF THE BONUS POINTS HE ACCRUED PRIOR TO THE 2007 FALL HUNT DRAW.

**Vote:** Unanimous  
4 to 0  
Golightly absent

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4. Second Vote to Modify Commission Policy A2.5, Law Enforcement Commissions and Participation in the Public Safety Personnel Retirement System.

**Presenter:** Duane L. Shroufe, Director

The Department requested the Commission to reaffirm their vote made at the January 18, 2008 Commission meeting. This policy change would remove the requirement for Department Management Team members to be regularly assigned to hazardous duty (quarterly patrol assignments) in order to participate in the Public Safety Personnel Retirement System. This change would be consistent with the governing statutes and would be consistent with normal practices of most other law enforcement agencies. Management Team members will still be allowed to conduct patrol activities as permitted by Department work schedules.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO REAFFIRM THEIR PREVIOUS VOTE TO MODIFY COMMISSION POLICY A2.5, LAW ENFORCEMENT COMMISSIONS AND PARTICIPATION IN THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM.

**Vote:** Unanimous  
4 to 0  
Golightly absent

The Commission discussed that changes to Commission policy requires two public reads and the Commission was in consensus to continue that practice to allow for additional time for consideration of any potential changes.

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6. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

**Presenter:** Pat Barber, Law Enforcement Branch Chief  
Gene Elms, Wildlife Law Enforcement Project Coordinator

Mr. Elms briefed the Commission on Michael B. Ash who was convicted by the Moon Valley Justice Court for: Obtain license/tag by fraud/misrepresentation. On October 19, 2007, the Commission revoked Mr. Ash's hunting, fishing, and trapping licenses for a period of five (5) years, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Ash requested a rehearing of this matter and decision. Mr. Ash was notified by certified mail that the Commission will consider this request at the February 8, 2008 meeting, at 2:00 p.m. at the Best Western Inn Suites, 1450 Castle Dome Avenue, Yuma, Arizona. The Commission was provided with the case summary and other pertinent information relating to this case prior to this meeting for consideration.

Mr. Ash was present and addressed the Commission stating that he did not intentionally commit fraud and requested that the Commission reduce his penalty to one year license revocation and perhaps a fine.

**Motion:** Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE, BASED ON THE CAUSES LISTED IN COMMISSION RULE R12-4-607 SECTION D, TO DENY MICHAEL B. ASH'S REQUEST FOR A REHEARING.

**Vote:** Unanimous  
4 to 0  
Golightly absent

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7. Litigation Report

There were no comments or questions on this item.

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8. Call to the Public

There were no requests to speak to the Commission at this time.

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Meeting recessed for a break at 1:55 p.m.  
Meeting reconvened at 2:05 p.m.

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5. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Pat Barber, Law Enforcement Branch Chief  
Gene Elms, Wildlife Law Enforcement Project Coordinator

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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8. Call to the Public

There were no requests to speak to the Commission at this time.

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Meeting recessed for the day at 2:53 p.m.  
Meeting reconvened Saturday at 8:00 a.m.

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1. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles reported to the Commission on the current status of selected state and federal legislation and current elective issues. The Commission was provided with a document outlining legislation that the Department is currently tracking, dated February 7, 2008 (also available to the public).

The Legislature is currently working on the budget and budget shortfalls. A striker bill introduced last week proposes taking \$732,000 from the Conservation Development Fund. If this money is taken it will be a diversion and will leave the Department ineligible for federal aid. Also included in the proposal is 2.9 million dollars that the Department received from the George Johnson settlement, 4 million from the Watercraft Fund, and possibly 2 million from the OHV Fund. The Department will continue to meet with the Appropriation Committee members to let them know about Department concerns regarding the sweeps.

The legislative update also included the following:

Bills supported by the Commission:

- HB 2024 – Megan Evans' Law: Passed through Committee
- HB 2067 – Game and Fish; Guide licenses: Passed the Full House
- HB 2068 – Game and Fish; Private enterprise; Fund: Passed the House Natural Resources Committee
- HB Game and Fish Omnibus: Scheduled for a hearing this week in the House Natural Resources Committee

- HB Off-highway Vehicles; User fee: Scheduled for a hearing this week in the House Natural Resources Committee
- SB 1080 – Operating under the influence; Watercraft: Passed through the Public Human Services Committee and is scheduled for a hearing this week in the Senate Transportation Committee. There was an amendment for clarification and to make it consistent with the existing DUI legislation

Bills opposed by the Commission:

- HB 2256 – Game and Fish; Senior Hunters: Held in Committee last week
- HCR 2004 – Appropriation of federal monies: Scheduled for a hearing this week in the House Appropriations Committee

Bills monitored by the Department

- HB 2332 – Falconry; Captive bred exotic raptors: The Department met with the Chairman of the Natural Resources Committee and has a meeting scheduled this week with the sponsor of the legislation
- SB 1130 Study Committee; State Parks financing

Another bill of interest is the State Trust Land Reform. This bill should be introduced within the next couple of weeks.

Federal Legislation:

- The legislation regarding shooting ranges is at the Legislative Council and should be introduced soon
- Regarding the Las Cienegas Land Transfer. The Department has been working with Congressman Grijalva's office on an access issue.

Commissioner Martin asked about HCR 2037, Constitutional rights; Game and Fish, and asked that the Department provide a full analysis of this bill.

Mr. Guiles reported that HCR 2037 has been assigned to the Natural Resources Committee. The Department will be meeting with the group that introduced the bill to talk about Department concerns.

Public Comment

Suzanne Gilstrap, Executive Director and Lobbyist for the Arizona Sportsmen for Wildlife (AZSFW), requested that the Commission work with her organization to oppose any and all sweeps by the Legislature of Game and Fish Department Funds, and further asked the Commission to take a position by vote to that effect. Game and Fish Funds are different from other state agencies in that they are revenues from Arizona sportsmen. Also, in the event that the Legislature absolutely has to take money, the AZSFW would like to see that pared back to as small a figure as possible, and AZSFW has proposed a provision to the funding bill that would provide for triggers, so that when economic conditions improve, the Arizona Game and Fish Department would be first to get that money back.

Commissioner Martin stated that she would not, at this point, support a motion to oppose all sweeps. It would be more pragmatic to accept that some sweeps are going to occur and the Department will have better dialogue with the Legislature, if they are reasonable in the face of such a budget crisis. So the Department will primarily advocate for funds that would have a diversion issue. Commissioner Martin also expressed some concerns with triggers.

The Commission further discussed budget issues and strategies with Ms. Gilstrap. The Commission does not want to see any funds/Department revenues swept by the Legislature; however their philosophy or strategy in their approach to the Legislature is different from AZSFW.

Chairman McLean was interested in the concept of triggers and requested that Ms. Gilstrap provide him with that proposed language. Also, Chairman McLean would like to meet with the AZSFW Board and coordinate working together on some of these issues.

Ms. Gilstrap also commented on the State Trust Land Reform bill that will soon be introduced stating that it does not do anything for wildlife.

Chairman McLean requested that Mr. Guiles provide the Commission with the latest draft language of the State Trust Land Reform bill.

#### Public Comment

Jon Fugate, Yuma Valley Rod and Gun Club (YVRGC), addressed the Commission and encouraged them to take a position of opposition to any legislative sweeps of Department funds, and further discussed with the Commission what they will do to try and protect as much of those funds as possible.

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Meeting recessed for a break at 9:22 a.m.

Meeting reconvened at 9:46 a.m.

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#### 1A. Tumacacori Highlands Wilderness Act of 2007.

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles provided the Commission with an update on H.R. 3287, proposed legislation for the designation of the Tumacacori Highlands Wilderness Area within the Coronado National Forest. Following a meeting between Department staff and Congressman Grijalva's office in January 2008, Congressman Grijalva's staff agreed to put draft language requested by the Department in the bill report but not in the bill itself.

**Motion:** Hernbrode moved and Woodhouse seconded THAT THE COMMISSION ASSIGN CHAIRMAN MCLEAN AND VICE CHAIRMAN HERNBRODE TO WORK DIRECTLY WITH CONGRESSMAN GRIJALVA'S OFFICE TO WORK ON SPECIFIC DRAFT LANGUAGE AND TO MAKE ARRANGEMENTS TO MEET WITH CONGRESSMAN GRIJALVA AS SOON AS POSSIBLE.

Chairman McLean stated that he would report back to the Commission before any final action is taken or any grievance is made with Congressman Grijalva.

The Commission further discussed the access issues and managing for wildlife in Wilderness issues that they have with the current draft language in the bill. Also discussed was potentially trying for an exemption to managing for Wilderness guidelines that would allow for wildlife management.

#### Public Comment

Jon Fugate, YVRGC, stated that the Commission is not likely to get the language in the bill that they want and suggested that the Commission ask the Department to provide them with very simple yet crucial guidelines that the Department would follow should any future special land use designations come before the Commission. Having these guidelines set forth will allow the Department to negotiate prior to final Commission approval without having to waste valuable time of both the Commission and the Department. In regards to the content of the guidelines, the following specific Commission points must be made: 1) Land management agencies must defer to the Department's trust responsibilities regarding wildlife management in wilderness in Arizona; 2) Fish and wildlife management actions must be recognized as high priority wilderness values; 3) Fish and wildlife management actions must be considered necessary and appropriate activities, which must be evaluated equally with other Wilderness characteristics and uses; and 4) should any or all of these criteria not be met in any future special land use designations the Department, pending Commission approval, must send a letter to the Governor of Arizona and each member of the Congressional Delegation explaining the cause for the immediate opposition.

Suzanne Gilstrap, AZSFW, stated that her organization strongly suggests that what is needed is an exemption to Wilderness Characteristics guidelines.

**Vote:** Unanimous

4 to 0

Golightly absent

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## 2. Information and Education Activities Briefing

**Presenter:** Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with an Information and Education Program Report prior to this meeting (also provided to the public), which presented new information as well as progress toward ongoing issues and concerns related to Information and Education programs. The update covered activities and events that occurred since the January 2008 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's Information and Education programs.



Commissioner Hernbrode requested that the Department continue to work on the Focus Wild Arizona program goals and to track the activities of that program.

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### 3. Statewide Shooting Range Briefing

**Presenter:** Jay Cook, Education Branch Chief

The Commission was provided with a Statewide Shooting Range Update prior to this meeting of Department activities related to shooting range support and development statewide (attached to these minutes). The update, also available to the public, covered activities that occurred since the January 2008 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Cook provided a Power Point presentation to the Commission with pictures and maps of several shooting range developments; recapping the Shooting Range Update and providing some additional information.

Chairman McLean expressed his displeasure with the timeline provided by the Coconino National Forest (CNF) regarding the Northern Arizona Shooting Range, and stated that a completion date of 2011 was not acceptable. Chairman McLean requested several copies of the Gantt chart.

Commissioner Martin requested that the Department provide the Commission with the Department's estimate for a reasonable timeline for the Northern Arizona Shooting Range Feasibility and NEPA assessments.

Josh Avey, Habitat Branch Chief, addressed the Commission stating that the Feasibility Analysis provided by CNF outlines 77 different federal steps that have to be taken for the completion of a total land exchange. These steps are nonnegotiable from CNF's standpoint, so it's not known if the Department can do anything to expedite their process.

Director Shroufe reminded the Commission that the Department has drafted a letter for the Governor to send to the Chief of the Forest Service requesting support and the Department has written the National Rifle Association requesting support to speed the process up.

Chairman McLean stated that he will talk with the Governor's Office on Monday morning.

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### 4. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

**Presenter:** Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed decisions or activities since the January 2008 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided two additional updates:

1. On January 30, 2008 the Director and Deputy Director met with Sam Wercinski, Commissioner for the Department of Real Estate. This meeting was designed to identify future opportunities for the Department to engage in education for both developers and realtors in Arizona. The Department has been requested to design three one hour courses that will be delivered as part of the continued training requirements for all licensed realtors in the State. The three courses will focus on economics of wildlife in Arizona, habitat fragmentation, and urban watchable wildlife issues.
2. During the upcoming North American conference, members of a round table, a collection of most of the prominent nonprofit conservation organizations, has asked to review the Table Mesa area to review the impacts and potential remedies for recreational shooting on public lands. The Department has extended an invitation to the members to stop by the Ben Avery Shooting Facility to highlight the available facilities and the need for both managed facilities and informal shooting opportunities.

#### Public Comment

Jon Fugate, YVRGC, expressed concerns regarding actions of the Bureau of Land Management (BLM) regarding a particular road closure in the Sonoran Desert National Monument. When the process for the road closure began, the MOU between the Department and BLM was not followed. Mr. Fugate urged the Commission to meet with those that were involved in the MOU negotiations and see if there is another option that can be considered.

**Motion:** Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO SEND A LETTER FROM THE COMMISSION CHAIR TO THE STATE DIRECTOR OF BLM EXPRESSING THE COMMISSION'S CONCERNS WITH THE PROCESS BLM FOLLOWED THAT WILL LEAD TO THE CLOSING OF MORE THAN ONE THIRD OF THE SONORAN DESERT NATIONAL MONUMENT TO ALL VEHICULAR ENTRANCE; WHILE WE SUPPORT THE NEED FOR SOME CLOSURE DUE TO EXTENSIVE AND ENVIRONMENTAL DAMAGE CAUSED BY RECKLESS OHV USE, WE NEED THE PROCESS FOLLOWED BY BLM, AND THE LATENESS IN WHICH THEY CONSULTED WITH THE DEPARTMENT VIOLATED THE SPIRIT AND THE LETTER OF THE MOU DATED OCTOBER 2, 2007; WE FURTHER MOVE THAT BLM BE ASKED TO RECONSIDER ITS DECISION ON THIS CLOSURE AND TO CONSIDER LIMITING THE CLOSURE TO ONLY OHV TRAFFIC OFF ESTABLISHED ROADS AND THAT ACCESS TO WILDLIFE RELATED RECREATIONS SUCH AS HUNTING AND WILDLIFE WATCHING NOT BE DENIED UNLESS BOTH AGENCIES CONCUR THAT A CLOSURE IS APPROPRIATE AT SPECIFIC SITES.

The Commission discussed and clarified the motion with Commissioner Hernbrode.

**Amended Motion:** Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO SEND A LETTER FROM THE COMMISSION CHAIR TO THE STATE DIRECTOR OF BLM EXPRESSING THE COMMISSION'S CONCERNS WITH THE PROCESS THAT BLM FOLLOWED THAT WILL ULTIMATELY LEAD TO A CLOSURE OF APPROXIMATELY ONE THIRD OF THE SONORAN DESERT NATIONAL MONUMENT; AND FURTHER MOVE THAT THE BLM BE ASKED TO RECONSIDER THE DECISION OF THIS CLOSURE AND TO RECONSIDER LIMITING THE CLOSURE TO OHV TRAFFIC AND LEAVE OPEN ESTABLISHED ROADS FOR ACCESS TO WILDLIFE RELATED RECREATION SUCH AS HUNTING AND WILDLIFE WATCHING.

Commissioner Martin was not comfortable with taking a position on whether the road closures were appropriate or not. The Commission usually goes into a lot more depth and looks at maps and alternative routes when looking at road closures.

**Commissioner Hernbrode withdrew his motion.**

**Amended Motion:** Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DRAFT A LETTER FOR THE COMMISSION CHAIR SIGNATURE TO THE STATE DIRECTOR OF BLM EXPRESSING THE COMMISSION'S CONCERNS WITH THE PROCESS BLM FOLLOWED THAT WILL ULTIMATELY LEAD TO A CLOSURE OF THE NORTHERN THIRD OF THE SONORAN DESERT NATIONAL MONUMENT TO ALL VEHICULAR ENTRY.

Larry Voyles, Yuma Regional Supervisor, briefed the Commission on what he knew about the closures. The Department has received some written concessions from BLM that have committed to a solid timeframe for reopening the roads. They have also made a commitment to allow Special Use Permits for bighorn sheep hunters to access the area.

Chairman McLean requested that Yuma Regional personnel that have been involved with this issue review the letter that is drafted to send to BLM and provide input.

**Vote:** Unanimous  
4 to 0  
Golightly absent

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## 5. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Shroufe presented all of these items to the Commission and none were deemed necessary for removal for further discussion.

### a. Memorandum of Understanding with Arizona Department of Transportation

**Presenter:** Chantal O'Brien, Research Branch Chief

The Department has been working with the Arizona Department of Transportation (ADOT) to ensure that Arizona's wildlife resources and their habitats will be minimally impacted by roadways. This Memorandum of Understanding (MOU) is intended to foster and enhance stewardship through communication and cooperative projects between the two agencies including, but not limited to, the following categories: cooperative project pre-planning and streamlining; maintenance of habitat connectivity; maintenance of ecological integrity; inventory, monitoring, and biological studies; wildlife impacts related to vehicles, pollution, recreational access, habitat loss, and invasive species; wildlife mitigation; information and education; and conflict resolution.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A NEW MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION THAT WILL ENHANCE THE AGENCIES' WORKING RELATIONSHIP AND PROVIDE FOR ENVIRONMENTAL STEWARDSHIP AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Memorandum of Understanding with Arizona Department of Transportation for Development of a Coordinated Approach for Collection of Wildlife/Vehicle Collision Data

**Presenter:** Chantal O'Brien, Research Branch Chief

The Department has been working with the Arizona Department of Transportation (ADOT) to develop a statewide wildlife/vehicle collision database. This database will identify areas where there is a high concentration of wildlife/vehicle collisions. Those areas can then be specially noted in ADOT planning documents for mitigation that will increase motorist safety while maintaining or enhancing permeability of the highway for wildlife. Presently, ADOT and the Department are gathering data on wildlife/vehicle collisions separately. This Memorandum of Understanding will allow compilation of data into a single database to increase efficiency and reduce redundancy of data collection and analyses, and make highways safer for motorists and wildlife.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A NEW MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION THAT WILL ESTABLISH A COMMON WILDLIFE/VEHICLE COLLISION DATABASE AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Motion:** Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A AND B AS PRESENTED.

**Vote:** Unanimous

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6. Call to the Public

Jon Fugate, speaking on behalf of Joe Melton (former Game and Fish Commissioner), expressed concern that there is no feathered wing requirement on the Eurasian collared dove. The concern is that there is a difference in bag limit between morning doves and Eurasian collared doves and once they are breasted and put in a cooler, you can't tell them apart.

Chairman McLean noted that the issue will be addressed by Game Branch at the appropriate time.

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#### 7. Director and Chairman's Report

Chairman McLean reported that he proceeded through the interview process with the Commission and selected a new Director, Larry Voyles; has worked on legislation and met with Legislators, and testified at the appropriate Committees at both the House and the Senate; met with individual Legislators and constituents; and attended Legislative Day on February 5.

Director Shroufe reported that he met with Councilwoman Williams on issues regarding her district and the Ben Avery Shooting Facility. She has vowed to support the Ben Avery Shooting Facility in any way she can; the Department attended an Arizona Quality Alliance Award Banquet in which the Department received two Quality Showcase Awards. One for its Urban Fishing Program and one for its Reintroduction Program for Endangered Species highlighting condors, ferrets and pronghorn antelope, and the Department is submitting an application for the Governor's Award; met with the Real Estate Commissioner in which the Department is going to be able to work with him in educating realtors and developers on the importance of wildlife habitat, and have agreed to put together a three hour required training program; and participated in Legislative Day.

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#### 8. Commissioner's Reports

Commissioner Woodhouse reported that he has had several discussions with constituents in the past few weeks regarding hiring a new Director, Tumacacori and Sonoran Monument; attended the Legislative Day; and have worked with the Department on the Adair Range.

Commissioner Martin reported that she met with Legislators and testified on a couple of bills; heard from stakeholders, met with the Sportsmen For Wildlife Legislative Committee; worked on the hiring of a new Director; attended the Arizona Quality Alliance Awards Banquet; and attended Environmental Day at the Legislator.

Commissioner Hernbrode participated in most the same as previously reported except for the legislative items reported. He also spent an afternoon with the Altar Valley Alliance to talk about their interest in working with the Department on issues of immigration and wildlife. Talked with several constituents primarily about Tumacacori, but also the San Pedro River crossing and the Sonoran Desert National Monument.

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#### 9. Approval of Minutes and Signing of Minutes

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 18-19, 2008.

**Vote:** Unanimous  
4 to 0  
Golightly absent

Following approval, the Commission signed the minutes for January 18-19, 2008.

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#### 10. Future Agenda Items

Deputy Director Ferrell noted the following future agenda and action items:

- Work with Commissioner Martin to develop a draft charter for the Commission's Conservationist Committee and present it to the Commission for approval at the March meeting
- Present the Commission with an analysis of HCR 2037
- Continue to track progress against goals on Focus Wild Arizona
- Provide the Commission with the Department's estimate for a reasonable timeline for the Northern Arizona Shooting Range Feasibility and NEPA assessments
- Draft a letter for the Chairman's signature to the Arizona BLM State Director expressing the Commission's concern about the process used by BLM regarding the closure of the northern one third of the Sonoran Desert National Monument to all vehicle entry, which is contrary to the terms of our MOU and ensure that Region IV reviews the draft prior to forwarding it to the Commission for signature
- Address the feathered wing issue on the Eurasian collared doves, which will likely require a Rule change to R12-4-305.

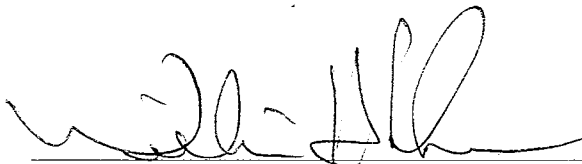
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Chairman McLean adjourned the meeting.

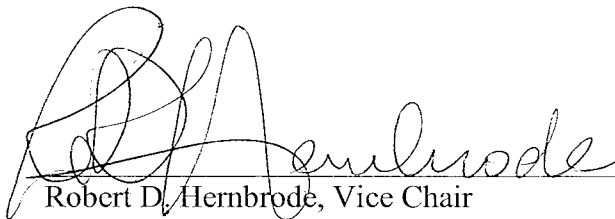
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Meeting adjourned at 11:27 a.m.

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William H. McLean, Chair



Robert D. Hernbrode, Vice Chair



Jennifer L. Martin, Member



Robert R. Woodhouse, Member



Michael M. Golightly, Member

ATTEST:



Duane L. Shroufe  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
February 8, 2008**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

**1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.*** Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15<sup>th</sup>.

On August 7, 2007, the State filed its Motion to Intervene. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the



parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

**On February 1, 2008, the State of Arizona, the Federal Defendants and Conservation Groups filed separate cross motions for summary judgment and responses to Plaintiffs' summary judgment motion.**

(1/14/08) (JFO/SDC)

**Lands Update**  
For the Arizona Game and Fish Commission  
February 1, 2008  
Yuma, Arizona

**FEDERAL LAND MANAGEMENT PLANNING**

Coconino and Kaibab National Forests

Land Management Plan Revision work with the public and the Department is resuming. A public meeting for the Kaibab and Coconino National Forests was held January 12<sup>th</sup> 2008. The Forest Service outlined the schedule for plan revision and what process will be followed.

The Coconino National Forest held a meeting on January 10<sup>th</sup> to continue work on Travel Management Revisions. This meeting was intended to start outlining the impacts of the potential decision on resources and to gather information on the impacts of dispersed camping.

Coronado National Forest

The Forest has been conducting public meetings and compiling data for their Travel Management Planning since early 2007. The Department has submitted all map sets, road recommendations, and data comment forms for each of the five Ranger Districts in the Forest. The Department developed these road recommendations based on collaborative meetings within the Department and input from public recreational groups over the last year. The Department will follow up with comments and/or recommendations on any draft maps or reports that the Forest develops from this preliminary information.

**SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND**

Sheep Wash Ecosystem Restoration

Since the last Lands Update reporting period the Clifton Ranger District has mechanically thinned 120 acres and burned 264 acres within the NO Bar portion of the project area.

Sunset Habitat Restoration Project

The ID Team for the Sunset Restoration Project NEPA analysis held the first meeting on January 24 and 25. In addition to the development of the Project Initiation Letter, the Team discussed the Purpose and Need for the project, roles and responsibilities of Team members, and the timelines for completion of the analysis. It is expected that the draft Decision Notice should be completed by May 30, 2008.

## **U.S. FOREST SERVICE**

### **Apache-Sitgreaves National Forests**

The Department received a response letter dated January 17, 2008 from the Forest regarding our December 14, 2007 letter requesting that the Forest accommodate the domestic sheep authorized on the Long Tom Allotment on another allotment where their presence would not impact existing or potential bighorn sheep range. In their response letter the Forest indicated that they researched this in 2003 and determined that there were five vacant allotments on the Forests, but there were encumbrances associated with those allotments (i.e., proximity to current bighorn sheep habitat or known suitable habitat). The Forest further stated that as a result of the Department's letter they again made inquiries into the availability of alternate allotments and had similar findings.

The Department further coordinated with the Forest on February 1, 2008 to ascertain whether an opportunity exists for further discussion on alternative sites for sheep and/or further discussion on a cattle alternative on the Long Tom Allotment. The Forest indicated that at this time formal discussions concerning this decision were open only to appellants. However, they would be open to informal coordination/discussion with the Department on this matter.

### **Coconino National Forest**

The future of the Greater Flagstaff Forest Partnership (GFFP) continues to be unclear. The Department recently attended a meeting with GFFP and the Forest and found the Partnership struggling to define their scope, goals, and direction. Without that scope, it appears that the Forest is not willing to formally commit to working with the Partnership. In light of recent events and diminishing benefit, the Department will be significantly reducing its level of participation within the Partnership until further notice.

### **Coronado National Forest**

The Department continues to work on the environmental compliance documents for the re-establishment of Gila topminnows into Sabino Canyon. Planned implementation is now scheduled for the fall of 2008.

### **Prescott National Forest**

Wildlife Managers for the Mingo/Prescott area reviewed the Prescott National Forest 163,000 acre Vegetation Management Project (Black Hills Vegetation Management Project). General ideas were presented to the Forest Biologist, but the Department's emphasis was placed on future consulting opportunities when finer scale (< 163,000 acres) plans are being developed.

## **BUREAU OF LAND MANAGEMENT (BLM)**

Tom Dabbs has been named the Gila District Manager. In this position, Dabbs will assume management responsibility for the Safford and Tucson Field Offices, as well as the Gila Box Riparian, San Pedro Riparian, and Las Cienegas National Conservation Areas, and the Ironwood Forest National Monument. Dabbs was recently a program analyst in the BLM's National Budget Office in Washington, D.C.

### **Arizona Strip Field Office**

The Department continues to coordinate closely with the Field Office (FO) in development of subsequent implementation-level plans, including Travel Management Plans and associated route networks.

The Department received a proposal from Foresight Wind Energy for up to 6 meteorological towers (one initially, followed by up to 5 more depending on the wind resource) on the Hurricane Cliffs. This project is the second proposal for meteorological towers on the cliffs. The proposal is intended to be passed through as a Categorical Exclusion. However, there is some indication that this proposal has not been inventoried for potential significant cultural resources. In addition, the wildlife biologist for the BLM has not weighed in on the project thus far. The Department has concerns about this area based on existing wildlife value. With controversy surrounding wind energy and possible effects to wildlife, it does not seem appropriate to consider this project as a Categorical Exclusion. The project is in the internal (BLM) review stage only, and there will be an opportunity for full comment from the Department once the BLM moves the project through their specialists.

### **Havasupai Field Office**

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

### **Hassayampa Field Office**

The Hassayampa Field Office is developing a comprehensive Travel Management Plan for Central Arizona public lands, and is seeking public input to help determine where to provide connectivity for increased recreational value while minimizing impacts to the land and other resources. The Department provided input during public meetings regarding road and trail designations in the Bumble Bee, Table Mesa, Lake Pleasant, and San Domingo Wash areas and will continue to participate throughout the route designation process.

### **Lower Sonoran Field Office**

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

### **Kingman Field Office**

The Department received a list of grazing allotments within Kingman BLM Field Office where renewal of the grazing permit or lease are being considered. The Department and BLM conducted site visits to Cerbat, Fort MacEwen, and Quail Springs Allotments and will continue to work with the BLM on these and other permits.

### **Yuma Field Office**

The public comment period for the Yuma Draft Resource Management Plan/ Environmental Impact Statement (RMP/EIS) ended on March 14, 2007. The Department provided a formal comment letter regarding the draft RMP and remains engaged at both the Field Office and State Office levels to ensure consistency in regards to wildlife and wildlife management. The Department continues to meet with the BLM Yuma FO to review and discuss comments on the draft's preferred alternatives for biological resources, recreation, transportation, and public access.

### **Safford Field Office**

The Draft Aravaipa Ecosystem Management plan is currently being reviewed by the Department, and will be working with the Safford Field Office to ensure Department needs are met and concerns are addressed.

The Department met with the Safford Field Office and representatives of The Nature Conservancy regarding upcoming prescribed fire plans on the Muleshoe Ranch and the implications for improved wildlife habitat.

### **Tucson Field Office**

The Tucson Field Office is currently developing a preferred alternative for the Middle Gila Canyons Transportation Plan. The Department and the public have provided extensive input on this plan. The BLM expects the plan to be available this spring.

## **BLM NATIONAL MONUMENTS**

### **Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument**

The proposed final RMP/EIS was released on March 2, 2007 for the Arizona Strip planning area including the Grand Canyon-Parashant and Vermillion Cliffs National Monuments. The proposed final plan includes a series of unique route networks and designations.

### **Agua Fria National Monument**

The draft RMP/EIS public review period ended on April 5, 2006 and the proposed final plan is expected to be released early 2008. The Department will be working closely with BLM to address submitted comments pertaining to wildlife and wildlife management.

### **Sonoran Desert National Monument (SDNM)**

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

BLM has publicly announced through news articles that they are planning to close approximately the northern third of the SDNM to all vehicle entry early this year. In recent articles they stated that the closure is required due to extensive environmental damage caused by reckless OHV use and that the closure will last 2-3 years. The area that will be affected by the closure is north of State Route 238. The Department met with BLM on October 29, 2007 to discuss access

concerns associated with the proposed closure. Regional personnel acknowledged the increased ATV use, associated damage the monument is experiencing, and the difficulty of managing a monument in proximity to a major metropolitan area. Regional personnel expressed concerns with the impacts that a total vehicle closure would have on wildlife-related recreation, including hunting. The Department presented BLM with several alternatives to address the problems they were experiencing with ATVs and still allow vehicular access for wildlife-related recreation. Alternatives to a total vehicular closure discussed at that meeting included restrictions on certain vehicle types, rotating closures of smaller areas, continuing to allow vehicular hunter access during the closure period, and opening smaller areas as they are rehabbed. Through these negotiations, BLM has committed to the maximum closure timeframe, with reopening of the area within 3 years. BLM will also consider reopening sub-areas once rehabilitation criteria have been met. BLM and the Department will continue to work together to improve early coordination efforts with the Department for future activities and potential closures. The Department will continue to work with BLM to regain vehicular access for wildlife-related recreation, including hunting, as expeditiously as possible.

#### **Ironwood Forest National Monument (IFNM)**

The Department remains engaged at both the Field Office and State Office levels to ensure consistency in regards to wildlife, wildlife management, and recreational opportunity. BLM is currently analyzing comments for incorporation into the Proposed RMP and Final Environmental Impact Statement.

### **U.S. FISH AND WILDLIFE SERVICE**

#### **Cabeza Prieta National Wildlife Refuge**

The final Comprehensive Conservation Plan/Environmental Impact Statement for the Refuge has been released and we are awaiting a Record of Decision.

#### **Kofa National Wildlife Refuge**

The Department continues to work with the U.S. Fish and Wildlife Service (USFWS) to plan, fund, and implement actions to aid recovery of the bighorn sheep population on the Kofa NWR. All ten Kofa bighorn sheep hunters (5 in 45A, 1 in 45B, and 4 in 45C) harvested a ram this year. More complete information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site. This web site is updated monthly.

### **DEPARTMENT OF DEFENSE**

The Region attended three meetings addressing DOD projects. The first concerned the Integrated Natural Resource Plan for the Flagstaff Naval Observatory. We are currently reviewing a draft of this plan. The Second was about future management projects on Camp Navajo and the third discussed the potential for a buffer surrounding the two military installations.

### **Yuma Proving Ground**

The U.S. Army Yuma Proving Ground (YPG) is considering expanding up to 500,000 acres into Game Management Unit 41 through a withdrawal of BLM land. YPG is currently evaluating the possible expansion internally and has not developed or presented a formal proposal or application to further define the purpose, need, location, and details of the proposed expansion. The Department will be actively involved in this process and will provide the Commission with more information as it becomes available.

## **GENERAL UPDATES**

### **Arizona Department of Transportation (ADOT)**

Department personnel met with representatives from ADOT regarding the development of a Location/Design Concept Report and Environmental Studies for SR 260 between Mileposts 309 and 340 (Overgaard and Show Low). This meeting initiated the planning for the upgrade of this portion of SR 260 from a two lane highway with passing lanes into a four lane highway. There are no immediate plans to begin this project due to budget constraints. However, this planning effort will culminate in the development of a highway design plan for implementation in the future. Some of the initial key issues identified regarding this portion of SR 260 include private land access management and control, wildlife permeability and big game/vehicle collisions, and traffic accidents at existing intersections. Department personnel started to identify specific portions of the highway with a history of high vehicle-wildlife collisions in an effort to identify potential travel corridors for highway design mitigation measures.

### **Tucson – Phoenix I-10 Bypass**

There is no new information regarding the I-10 Bypass at this time.

### **Black Mountain Desert Bighorn Sheep**

Region III held a public meeting to discuss the Region's Black Mountain Desert Bighorn Sheep Plan. The meeting was very well attended with several sportsmen, six to eight livestock operators and one representative from the National Park Service and resulted in a good discussion on land health issues.

### **Coconino County**

The Region worked with Coconino County and the Natural Resources Conservation Service (NRCS) on wetland restoration for the Pumphouse draw property. NRCS brought in several engineers and hydrologists to review plans and determine how best to proceed with the restoration.

### **Double Check Ranch**

The Landowner Relations Program has been working with the landowner of the Double Check Ranch for the past couple of months to try and resolve an ongoing OHV/access issue. The landowner locked their private property gate (crossing the San Pedro River) on January 24, 2008. The private property has a conservation easement in place that was purchased as part of a mitigation package for the Salt River reservoirs for Southwest Willow Flycatcher.

The landowner approached the Department to help with the situation. The Department had agreed to provide the funds for materials (landowner will provide labor) to install a cable barrier fence along both sides of the road to help confine the public to the road. Prior to resolving the issue and based on natural resource concerns, the private property was locked to public access.

Pinal County has now initiated efforts to regain access across the private property by way of condemnation. Department personnel will continue to work with both the landowner and the County to ensure wildlife resources are protected and reasonable public access is maintained.

### **McCracken Mine**

The Department in conjunction with Teck Cominco Limited and the Arizona State Mine Inspector conducted a site visit to McCracken Mine. Eleven mine openings on this privately owned site will be covered with bat gates thereby preserving valuable habitat while safeguarding against potential risk to humans.

### **Wood Supply Working Group (WSWG)**

The Northern Arizona Wood Supply Analysis Working Group has completed its activities. The Department has reviewed the draft final report of this analysis, and Forest ERA will be submitting a Final Report in late January. The final wood supply estimate for the study area was a conservative calculation that excluded sensitive habitats for wildlife, reasonably estimated available wood based on restoration objectives and desired future conditions, and conservatively delineated the wildland-urban interface (WUI). Consensus was reached among the multiple agencies and stakeholders that 40% of the study area should receive treatment. Supply estimates, and the varying levels of agreement on treatment will be provided to the Forest Service Region 3 office. The Forest Service will use this analysis for planning and potential Requests for Proposals for large-scale stewardship contracts throughout northern Arizona.